

THURSDAY, APRIL 20, 2017

TWENTY-EIGHTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Reverend Jerry Wallace, First United Methodist Church, Springfield, TN.

Representative Kumar led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 81

Representatives present were Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Favors, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Marsh, Matheny, McCormick, McDaniel, Miller, Mitchell, Parkinson, Pitts, Pody, Powell, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, White D., White M., Whitson, Williams, Wirgau, Zachary, Madam Speaker Harwell --
81

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Casada; business

Representative Farmer; personal

Representative Love

Representative Ramsey; personal

Representative Powers

Representative Carter; illness

Representative Gilmore; business

PRESENT IN CHAMBER

Reps. DeBerry, M. Hill, Lynn, Matlock and Moody were recorded as being present in the Chamber.

1223

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 31 Rep. Towns as prime sponsor.

House Bill No. 3 Rep. Hardaway as prime sponsor.

House Bill No. 267 Rep. Ragan as prime sponsor.

House Bill No. 275 Reps. Hardaway, Clemmons, Daniel, Kumar, Powell and Williams as prime sponsors.

House Bill No. 310 Reps. Ragan and Hardaway as prime sponsors.

House Bill No. 448 Rep. Terry as prime sponsor.

House Bill No. 702 Rep. Moody as prime sponsor.

House Bill No. 707 Reps. Moody, Johnson, Curcio, Crawford, Sherrell, Kane, Powers, Butt, Keisling, Zachary, Travis, Clemmons, Staples, H. Brooks, Gant and M. White as prime sponsors.

House Bill No. 770 Rep. Gilmore as prime sponsor.

House Bill No. 879 Reps. Windle, Keisling, Curcio, Calfee, Crawford, Sherrell and Zachary as prime sponsors.

House Bill No. 902 Reps. Ragan and Hardaway as prime sponsors.

House Bill No. 993 Rep. Terry as prime sponsor.

House Bill No. 1015 Rep. Windle as prime sponsor.

House Bill No. 1021 Rep. M. White as prime sponsor.

House Bill No. 1064 Reps. C. Sexton, Clemmons, Thompson, Travis, Terry, Hardaway, Sargent, Coley, Keisling, Gant, Daniel, Crawford, Favors, Towns, Curcio, M. White and Zachary as prime sponsors.

House Bill No. 1271 Reps. Hardaway and Turner as prime sponsors.

MESSAGE FROM THE SENATE
April 20, 2017

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330 and 331; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 315 -- Memorials, Recognition - David M. Tomlinson, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 316 -- Memorials, Recognition - Dr. Sam McFarland, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 317 -- Memorials, Recognition - A.C. Wharton, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 318 -- Memorials, Recognition - Hale Moss, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 319 -- Memorials, Recognition - TriStar Health. by *Dickerson.

Senate Joint Resolution No. 320 -- Memorials, Recognition - Tennessee Association of Utility Districts, 60th anniversary. by *Yager.

Senate Joint Resolution No. 321 -- Memorials, Interns - Loren Bree Kirkland. by *Lundberg.

Senate Joint Resolution No. 322 -- Memorials, Recognition - "Rocky Top," 50th anniversary. by *Massey, *Overbey, *Briggs.

Senate Joint Resolution No. 323 -- Memorials, Recognition - Emerald Youth Foundation, 25th Anniversary. by *Massey.

Senate Joint Resolution No. 324 -- Memorials, Recognition - Hope Resource Center, 20th Anniversary. by *Massey.

Senate Joint Resolution No. 325 -- Memorials, Death - Robert Fletcher Worthington, Jr. by *Massey, *Overbey, *Briggs, *McNally.

Senate Joint Resolution No. 326 -- Memorials, Academic Achievement - Nick Ehrhart, Salutatorian, Mt. Juliet Christian Academy. by *Beavers.

Senate Joint Resolution No. 327 -- Memorials, Academic Achievement - Emily Spence, Valedictorian, Mt. Juliet Christian Academy. by *Beavers.

Senate Joint Resolution No. 328 -- Memorials, Academic Achievement - Joshua Sheldon Murphy, Salutatorian, Gordonsville High School. by *Beavers.

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Senate Joint Resolution No. 329 -- Memorials, Academic Achievement - Hannah Oniea Bingham, Valedictorian, Gordonsville High School. by *Beavers.

Senate Joint Resolution No. 330 -- Memorials, Interns - Rebecca Thomason. by *Crowe.

Senate Joint Resolution No. 331 -- Memorials, Interns - Caitlin E. Henderson. by *Dickerson.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Representative Turner, joined by the members of the Black Caucus and the Shelby County delegation, was recognized in the Well to honor the Lee sisters for their work for Civil Rights.

RESOLUTION READ

The Clerk read House Joint Resolution No. 262, adopted April 10, 2017.

House Joint Resolution No. 262 -- Memorials, Recognition - The Lee Sisters of Memphis. by *Turner, *Akbari, *Camper, *Coley, *Cooper, *DeBerry, *Hardaway, *Lollar, *Miller, *Parkinson, *Thompson, *Towns, *White M, *Alexander, *Beck, *Brooks H, *Brooks K, *Byrd, *Calfee, *Carr, *Carter, *Casada, *Clemmons, *Crawford, *Curcio, *Daniel, *Doss, *Dunn, *Eldridge, *Faison, *Farmer, *Favors, *Fitzhugh, *Forgety, *Gant, *Gilmore, *Goins, *Gravitt, *Halford, *Hawk, *Hazlewood, *Hicks, *Hill M, *Hill T, *Howell, *Hulsey, *Jernigan, *Johnson, *Jones, *Kane, *Keisling, *Kumar, *Lamberth, *Littleton, *Love, *Lynn, *Marsh, *Matheny, *Matlock, *McCormick, *McDaniel, *Mitchell, *Moody, *Pitts, *Powell, *Powers, *Ramsey, *Reedy, *Rogers, *Rudd, *Sanderson, *Sargent, *Sexton C, *Sexton J, *Shaw, *Sherrell, *Smith, *Sparks, *Staples, *Stewart, *Swann, *Terry, *Tillis, *Travis, *VanHuss, *Weaver, *White D, *Whitson, *Williams, *Windle, *Wirgau, *Zachary.

CHAIR TO JOHNSON

Madam Speaker Harwell relinquished the Chair to Rep. Johnson, Speaker Pro Tempore.

CHAIR TO SPEAKER

Madam Speaker Harwell resumed the Chair.

RECOGNITION IN THE WELL

Representative Byrd was recognized in the Well joined by Senator Gresham, to introduce Darryl Worley, Country music artist, who sang "I Miss My Friend" and "Have You Forgotten?".

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for April 24, 2017:

House Resolution No. 105 -- Memorials, Personal Occasion - Jimmy Bowlin Dilday and Nancy Edith Crawford, 60th wedding anniversary. by *Holt.

House Joint Resolution No. 361 -- Memorials, Professional Achievement - John Edd Wampler. by *Matlock, *Calfee.

House Joint Resolution No. 362 -- Memorials, Recognition - Yvonne B. Acey. by *Cooper.

House Joint Resolution No. 363 -- Memorials, Academic Achievement - Shanquaneake Thompson, Douglass High School graduate. by *Cooper.

House Joint Resolution No. 364 -- Memorials, Recognition - Dr. David L. Acey, Sr. by *Cooper.

House Joint Resolution No. 365 -- Memorials, Recognition - Liberty Elementary School, 20th anniversary. by *Pitts.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar for April 24, 2017:

Senate Joint Resolution No. 315 -- Memorials, Recognition - David M. Tomlinson, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 316 -- Memorials, Recognition - Dr. Sam McFarland, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 317 -- Memorials, Recognition - A.C. Wharton, Wilson County Agricultural Hall of Fame. by *Beavers, *Kyle.

Senate Joint Resolution No. 318 -- Memorials, Recognition - Hale Moss, Wilson County Agricultural Hall of Fame. by *Beavers.

Senate Joint Resolution No. 319 -- Memorials, Recognition - TriStar Health. by *Dickerson.

Senate Joint Resolution No. 320 -- Memorials, Recognition - Tennessee Association of Utility Districts, 60th anniversary. by *Yager, *Bailey, *Crowe, *Overbey.

Senate Joint Resolution No. 321 -- Memorials, Interns - Loren Bree Kirkland. by *Lundberg.

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Senate Joint Resolution No. 322 -- Memorials, Recognition - "Rocky Top," 50th anniversary. by *Massey, *Overbey, *Briggs, Bailey, Beavers, Bell, Bowling, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Niceley, Norris, Roberts, Stevens, Tate, Tracy, Watson, Yager, Yarbrow, McNally.

Senate Joint Resolution No. 323 -- Memorials, Recognition - Emerald Youth Foundation, 25th Anniversary. by *Massey.

Senate Joint Resolution No. 324 -- Memorials, Recognition - Hope Resource Center, 20th Anniversary. by *Massey.

Senate Joint Resolution No. 325 -- Memorials, Death - Robert Fletcher Worthington, Jr. by *Massey, *Overbey, *Briggs, *McNally.

Senate Joint Resolution No. 326 -- Memorials, Academic Achievement - Nick Ehrhart, Salutatorian, Mt. Juliet Christian Academy. by *Beavers.

Senate Joint Resolution No. 327 -- Memorials, Academic Achievement - Emily Spence, Valedictorian, Mt. Juliet Christian Academy. by *Beavers.

Senate Joint Resolution No. 328 -- Memorials, Academic Achievement - Joshua Sheldon Murphy, Salutatorian, Gordonsville High School. by *Beavers.

Senate Joint Resolution No. 329 -- Memorials, Academic Achievement - Hannah Oniea Bingham, Valedictorian, Gordonsville High School. by *Beavers.

Senate Joint Resolution No. 330 -- Memorials, Interns - Rebecca Thomason. by *Crowe.

Senate Joint Resolution No. 331 -- Memorials, Interns - Caitlin E. Henderson. by *Dickerson.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 268** -- Health Care - As introduced, extends the time in which compounding pharmacies must notify the board of pharmacy of a disciplinary action against the pharmacy from 14 days to 21 days. - Amends TCA Title 63. by *Overbey, *Jackson. (HB1148 by *Casada, *Sexton C)

***Senate Bill No. 473** -- Professions and Occupations - As introduced, enacts the "Freedom to Prosper Act" to limit the circumstances under which local government entities may regulate occupations. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 56, Chapter 1, Part 3; Title 62 and Title 63. by *Roberts. (HB979 by *Calfee)

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Senate Bill No. 849 -- Public Health - As introduced, requires the commissioner of health to report concerning the factors affecting this state's health status in rankings of health status among the several states to the health committee of the house of representatives and the health and welfare committee of the senate by February 15, 2018; the report shall include discussions of the role of individual behaviors in obesity, diabetes, and other health conditions in developing those rankings. - Amends TCA Title 4; Title 33; Title 56; Title 63; Title 67; Title 68 and Title 71. by *Roberts. (*HB537 by *Holt, *Jernigan)

Senate Bill No. 1170 -- Health Care - As introduced, creates the state palliative care and quality of life task force. - Amends TCA Title 4; Title 63 and Title 68. by *Hensley, *Crowe, *Jackson, *Briggs. (*HB629 by *Kumar, *Staples, *Jernigan, *Powell, *Daniel, *Gant, *Favors)

Senate Bill No. 1220 -- Highways, Roads and Bridges - As introduced, authorizes the department of transportation to maintain public access roads within state parks; establishes the high priority bridge replacement program for local bridges not on the state highway system. - Amends TCA Title 54, Chapter 1, Part 1 and Title 54, Chapter 4. by *Norris, *Tracy, *Jackson, *Yager. (*HB533 by *Hawk, *Casada, *Sexton J, *McDaniel, *Brooks K)

Senate Bill No. 1320 -- Pharmacy, Pharmacists - As introduced, requires the board of pharmacy to report to the senate health and welfare committee and the health committee of the house of representatives by January 15, 2018, concerning the quantity and kinds of prescription drugs disposed of in the pharmacy drug disposal program. - Amends TCA Title 53; Title 63 and Title 68. by *Crowe, *Briggs. (*HB519 by *Sexton C, *Matheny)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1452 -- Troy -- House Local Government Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 20, 2017**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bills on the **Regular Calendar** for **April 24, 2017**: House Bills Nos. 667, 287, 409, 277, 1337, 770, 462, 63, 934, House Joint Resolution No. 237, House Bills Nos. 445, 537, 73, and House Joint Resolution No. 225.

The committee also set the following bills on the **Regular Calendar** for **April 26, 2017**: House Bills Nos. 292, 189, 835, and 840.

The committee also set the following bills on the **Regular Calendar** for **April 27, 2017**: House Bills Nos. 756, 862, 317, 74, 1292, 470, 550, 325, 319, 1283, and 419.

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

It further reports that it set the following bills and resolutions on the **Consent Calendar** for **April 24, 2017**: House Bills Nos. 680, 608, 188, 1440, 1432, 1431, 539, 1433, 1437, and 311.

CONSENT CALENDAR

House Resolution No. 102 -- Memorials, Sports - Jim McDowell, District 9-AAA Boys' Coach of the Year. by *Clemmons.

House Resolution No. 103 -- Memorials, Death - Tracey McCartney. by *Clemmons.

House Resolution No. 104 -- Memorials, Interns - Sam Nelson. by *Williams.

House Joint Resolution No. 344 -- Memorials, Academic Achievement - Christina Long, Valedictorian, Rockwood High School. by *Travis.

House Joint Resolution No. 345 -- Memorials, Academic Achievement - Stephanie Long, Valedictorian, Rockwood High School. by *Travis.

House Joint Resolution No. 346 -- Memorials, Academic Achievement - Brooke Tipton, Salutatorian, Rockwood High School. by *Travis.

House Joint Resolution No. 347 -- Memorials, Academic Achievement - Brittani Ridenour, Salutatorian, Rockwood High School. by *Travis.

House Joint Resolution No. 348 -- Memorials, Academic Achievement - Eden Poland, Salutatorian, Rockwood High School. by *Travis.

House Joint Resolution No. 349 -- Memorials, Recognition - Daniel C. Hicks. by *Williams.

House Joint Resolution No. 350 -- Memorials, Interns - Katherine Luann Rowe. by *Doss, *Butt, *Weaver.

House Joint Resolution No. 351 -- Memorials, Recognition - Adams Memorial Library, 50th anniversary. by *Pody.

House Joint Resolution No. 352 -- Memorials, Death - Ross Key. by *Pody.

House Joint Resolution No. 353 -- Memorials, Academic Achievement - Angela M. Taylor, Salutatorian, Memphis Academy of Health Sciences. by *Parkinson.

House Joint Resolution No. 354 -- Memorials, Academic Achievement - Vivica T. Martin, Valedictorian, Memphis Academy of Health Sciences. by *Parkinson.

House Joint Resolution No. 355 -- Memorials, Academic Achievement - Jada N. Watson, Salutatorian, Raleigh-Egypt High School. by *Parkinson.

House Joint Resolution No. 356 -- Memorials, Academic Achievement - Candy Garcia, Valedictorian, Kingsbury High School. by *Parkinson.

House Joint Resolution No. 357 -- Memorials, Academic Achievement - Karen Perez, Salutatorian, Kingsbury High School. by *Parkinson.

House Joint Resolution No. 358 -- Memorials, Academic Achievement - Alexandria J. Ross, Valedictorian, Raleigh-Egypt High School. by *Parkinson.

House Joint Resolution No. 359 -- Memorials, Academic Achievement - Dakota Haven Thurman, Salutatorian, Rhea County High School. by *Travis.

House Joint Resolution No. 360 -- Memorials, Academic Achievement - Cole Jackson Calbaugh, Valedictorian, Rhea County High School. by *Travis.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	87
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gant, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Pitts, Pody, Powell, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 87

Representatives present and not voting were: Goins -- 1

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1289 -- Alcoholic Beverages - As introduced, authorizes The Avenue Diner in Nashville to sell alcoholic beverages for on-premises consumption; prohibits such establishment from selling or giving away alcoholic beverages or beer only between the hours of 3:00 a.m. and 4:00 a.m. - Amends TCA Title 57, Chapter 4. by *Sanderson, *Ramsey, *Jernigan, *Littleton, *Beck. (*SB705 by *Harper, *Dickerson)

Rep. Sanderson moved that House Bill No. 1289 be reset for the Regular Calendar on April 24, 2017, which motion prevailed.

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

***House Bill No. 702** -- Food and Food Products - As introduced, changes from 15 days to 14 days the time in which a department of agriculture agent must remove a tag or marking on a food, drug, device, or cosmetic item as being adulterated or misbranded if the agent fails to petition for an order of condemnation. - Amends TCA Title 53. by *Brooks K. (SB651 by *Niceley, *Bowling)

On motion, House Bill No. 702 was made to conform with **Senate Bill No. 651**; the Senate Bill was substituted for the House Bill.

Rep. K. Brooks moved that Senate Bill No. 651 be passed on third and final consideration.

Rep. Halford moved that Agriculture and Natural Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Halford moved adoption of Agriculture and Natural Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 651 by deleting all of the language after the caption and substituting the following:

WHEREAS, it is the intent of the General Assembly in enacting this act to encourage the expansion of agricultural sales by farmers and of the accessibility to farm-produced foods by informed end consumers through:

- (a) Facilitating the purchase and consumption of fresh local agricultural products;
- (b) Enhancing the agricultural economy; and
- (c) Providing Tennesseans with unimpeded access to healthy food from known sources; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-1-102, is amended by inserting the following as a new subdivision:

() "Farm to consumer distribution point" means a temporary or permanent location, that is not open to the general public, where a farmer or the farmer's agent delivers food, produced by the farmer and previously sold under an agreement entered into between the farmer and the consumer, directly to the consumer or the consumer's agent;

SECTION 2. Tennessee Code Annotated, Section 53-1-208, is amended by adding the following as a new subsection:

(d) A license shall not be required for the operation of a farm to consumer distribution point; provided, that the operator of the farm to consumer distribution point:

(1) Has registered the farm to consumer distribution point with the department of revenue for purposes of paying the sales tax under any agreement entered into between a farmer and a consumer pursuant to which the farmer or the farmer's agent delivers food, produced by the farmer and previously sold to the consumer by the farmer, directly to the consumer or the consumer's agent at the farm to consumer distribution point; and

(2) Agrees to only allow deliveries of meats produced by farmers who comply with the Tennessee Meat and Poultry Inspection Act, compiled in chapter 7, part 2 of this title to be made at the farm to consumer distribution point.

SECTION 3. Tennessee Code Annotated, Section 53-8-203, is amended by inserting the following as a new, appropriately designated subdivision:

() "Farm to consumer distribution point" means a temporary or permanent location, that is not open to the general public, where a farmer or the farmer's agent delivers food, produced by the farmer and previously sold under an agreement entered into between the farmer and the consumer, directly to the consumer or the consumer's agent;

SECTION 4. Tennessee Code Annotated, Section 53-8-207, is amended by adding the following as a new subsection:

(d) A permit shall not be required for the operation of a farm to consumer distribution point.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Agriculture and Natural Resources Committee Amendment No. 2 was adopted.

Rep. K. Brooks moved that **Senate Bill No. 651**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 1

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Reedy, Rogers,

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Rudd, Sanderson, Sargent, Sexton C., Sexton J., Sherrell, Smith, Sparks, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 87

Representatives voting no were: McDaniel -- 1

A motion to reconsider was tabled.

***House Bill No. 1064** -- Financial Institutions, Dept. of - As introduced, requires the department to consult with financial service providers, the Tennessee commission on aging and disability, and the department of human services to consider ways in which the entities can collaborate to promote education and awareness of the dangers to vulnerable adults of financial exploitation and financial theft and explore preventative measures that can be taken by vulnerable adults to avoid such dangers. - Amends TCA Title 39; Title 45; Title 47, Chapter 30; Title 48, Chapter 1 and Title 71, Chapter 6. by *Brooks K, *Jernigan, *Byrd, *Howell, *Gilmore. (SB1267 by *Norris, *Crowe, *Massey, *Bowling, *McNally, *Harper, *Ketron, *Kyle, *Niceley, *Overbey, *Roberts, *Stevens, *Tate, *Tracy, *Watson, *Yarbro)

On motion, House Bill No. 1064 was made to conform with **Senate Bill No. 1267**; the Senate Bill was substituted for the House Bill.

Rep. K. Brooks moved that Senate Bill No. 1267 be passed on third and final consideration.

Rep. Eldridge moved that Consumer and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Shaw moved the previous question, which motion prevailed.

Rep. K. Brooks moved that **Senate Bill No. 1267** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes..... 1

Representatives voting aye were: Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, DeBerry, Doss, Dunn, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Powell, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 89

Representatives voting no were: Pody -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 1267** and have this statement entered in the Journal: Rep. Daniel.

REGULAR CALENDAR, CONTINUED

House Bill No. 547 -- Wine & Wineries - As introduced, authorizes wineries and farm wineries to purchase or import finished wine product and use or dispose of the finished wine product in any manner otherwise authorized for the use or disposal of wine manufactured, bottled, or produced by a winery or farm winery. - Amends TCA Section 57-3-207. by *Wirgau. (*SB330 by *Johnson)

On motion, House Bill No. 547 was made to conform with **Senate Bill No. 330**; the Senate Bill was substituted for the House Bill.

Rep. Wirgau moved that Senate Bill No. 330 be passed on third and final consideration.

Rep. Hulseley moved adoption of State Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 330 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-207(h)(2)(A)(ii), is amended by deleting the subdivision and substituting instead the following:

(ii) Except as otherwise provided in subsection (v), wine that is not manufactured or bottled on the licensed premises, or in the case of a farm winery permit holder, wine that was not made pursuant to subsection (o); or

SECTION 2. Tennessee Code Annotated, Section 57-3-207, is amended by adding the following language as a new subsection (v):

(1) Notwithstanding any other law to the contrary, a winery or farm wine permit holder may purchase or import finished wine product from another winery in this state or another state in an amount not to exceed, in the aggregate, fifty thousand gallons (50,000 gals.) per year. A winery or farm wine permit holder that purchases or imports finished wine product under this subdivision (v)(1) may sell, distribute, serve for the purposes of samples or tastings, or otherwise use or dispose of such product in any manner that the winery or farm wine permit holder is authorized to use or dispose of wine under this section that is manufactured, bottled, or produced by the winery or farm wine permit holder.

(2) As used in this subsection (v), "finished wine product" means any wine product that is ready for use by an end user and that bears the label of the

winery or farm wine permit holder that purchased or imported the finished wine product under subsection (v).

SECTION 3. Tennessee Code Annotated, Section 57-3-207(f)(1), is amended by deleting the subdivision and substituting instead the following:

(1) A winery licensed under this section may, to the extent permitted under federal law, serve wine, with or without charge, as samples for tasting on the premises at the winery and may sell wine at retail in sealed containers at the winery.

SECTION 4. Tennessee Code Annotated, Section 57-3-207(f)(3), is amended by deleting the subdivision and substituting instead the following:

(3) For purposes of this section, "premises" means any and all of the real property owned or leased by the winery.

SECTION 5. Tennessee Code Annotated, Section 57-3-207(t)(2)(B), is amended by deleting the subdivision and substituting instead the following:

(B) At retail in sealed containers for consumption on the premises to the extent permitted under federal law.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State Government Committee Amendment No. 1 was adopted.

Rep. Wirgau moved that **Senate Bill No. 330**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	66
Noes.....	14
Present and not voting.....	9

Representatives voting aye were: Akbari, Beck, Brooks K., Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Eldridge, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Holsclaw, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, McCormick, McDaniel, Miller, Mitchell, Parkinson, Pitts, Powell, Ragan, Reedy, Rogers, Sanderson, Sargent, Sexton C., Shaw, Sherrell, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, White D., White M., Whitson, Williams, Wirgau, Madam Speaker Harwell -- 66

Representatives voting no were: Brooks H., Daniel, Gant, Hill M., Hill T., Holt, Keisling, Matlock, Moody, Sexton J., Smith, Van Huss, Windle, Zachary -- 14

Representatives present and not voting were: Alexander, Butt, Byrd, DeBerry, Doss, Dunn, Pody, Rudd, Sparks -- 9

A motion to reconsider was tabled.

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 902 -- Local Education Agencies - As introduced, requires LEAs to provide students with a Scholars Summer Guide prior to the last day of each school year, detailing information on how the student can prepare for the next year. - Amends TCA Title 49, Chapter 6. by *Kumar. (*SB730 by *Gresham)

Rep. Kumar moved that House Bill No. 902 be passed on third and final consideration.

Rep. Forgety moved adoption of Education Instruction & Programs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 902 by deleting all language after the caption and substituting instead the following language:

WHEREAS, summer learning loss is a major obstacle to the academic progress of our students; and

WHEREAS, preparation for the upcoming school year can lead to academic success and decreased stress; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following language as a new section:

(a) Each student in grades kindergarten through eight (K-8) shall be given an individual Scholars Summer Guide prior to the last day of the school year.

(b) The Scholars Summer Guide shall be created by teachers, as determined by the school, who are familiar with the student's academic standing and future academic challenges and shall provide each student with information regarding:

(1) Curriculum covered during the previous year that requires continued review and repetition for the student;

(2) Curriculum for the upcoming school year of which the student should be aware, and areas that might be a challenge for that student, with suggestions on how the student can prepare for the upcoming year; and

(3) Summer reading and assignments.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to the 2017-2018 school year and every school year thereafter.

**THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

On motion, Education Instruction & Programs Amendment No. 1, as House Amendment No. 1, was adopted.

EXCUSED

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Beck

REGULAR CALENDAR, CONTINUED

Rep. Kumar moved that **House Bill No. 902**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	84
Noes.....	1
Present and not voting.....	1

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Clemmons, Coley, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Powell, Ragan, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 84

Representatives voting no were: Pody -- 1

Representatives present and not voting were: Cooper -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 902** and have this statement entered in the Journal: Rep. Staples.

REGULAR CALENDAR, CONTINUED

***House Bill No. 993** -- Child Custody and Support - As introduced, permits the department of human services to issue an administrative order for seizure of up to 50 percent of an inmate's commissary account in order to satisfy the inmate's overdue child support obligation. - Amends TCA Title 36 and Title 41. by *White D, *Goins. (SB1054 by *Bowling)

Rep. D. White moved that House Bill No. 993 be passed on third and final consideration.

1238

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Rep. Moody moved adoption of Civil Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 993 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-5-901(a), is amended by adding the following new subdivision:

() For the purposes of this part, "personal property" includes:

(A) A commissary account or any other account or fund established by or for the benefit of the inmate in a correctional institution or private prison operated by or under contract with the department of correction while the inmate is incarcerated; and

(B) Any account containing wages received for work performed while an inmate is in a correctional institution or private prison operated by or under contract with the department of correction, but does not include any portion of the account that is used to pay litigation taxes, court costs, sexual offender surcharges, fines, restitution, or other moneys related to the criminal offense for which the inmate is confined.

SECTION 2. Tennessee Code Annotated, Section 36-5-905, is amended by adding the following new subsection:

() No more than fifty percent (50%) of the total amount in a commissary account or any other account or fund established by or for the benefit of an inmate in a correctional institution or private prison operated by or under contract with the department of correction while the inmate is incarcerated or any account containing wages received for work performed while an inmate is incarcerated shall be subject to seizure by the department. Any portion of the account that is used to pay litigation

taxes, court costs, sexual offender surcharges, fines, restitution, or other moneys related to the criminal offense for which the inmate is confined shall be deducted from the account before the seizure authorized by this subsection is calculated.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. Lamberth moved the previous question, which motion prevailed by the following vote:

Ayes 62
Noes..... 22

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Coley, Crawford, Curcio, Daniel, Doss, Eldridge, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Moody, Ragan, Reedy, Rudd, Sargent, Sexton C., Sexton J., Sherrell, Smith, Swann, Terry, Tillis, Travis, Turner, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 62

Representatives voting no were: Akbari, Camper, Clemmons, Cooper, DeBerry, Dunn, Favors, Fitzhugh, Hardaway, Jernigan, Jones, Miller, Parkinson, Pitts, Pody, Powell, Shaw, Staples, Stewart, Thompson, Towns, Van Huss -- 22

Rep. D. White moved that **House Bill No. 993**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	63
Noes.....	20
Present and not voting.....	1

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Marsh, Matheny, Matlock, McDaniel, Moody, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Sherrell, Smith, Swann, Terry, Tillis, Travis, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 63

Representatives voting no were: Akbari, Camper, Clemmons, Cooper, Favors, Fitzhugh, Hardaway, Jones, Lynn, McCormick, Miller, Parkinson, Pody, Powell, Shaw, Staples, Stewart, Thompson, Towns, Turner -- 20

Representatives present and not voting were: DeBerry -- 1

A motion to reconsider was tabled.

***House Bill No. 791** -- Equalization Board - As introduced, deletes an outdated cross reference to a repealed statute. - Amends TCA Title 67, Chapter 5. by *Sparks, *Hawk. (SB940 by *Ketron)

Rep. Sparks moved that House Bill No. 791 be passed on third and final consideration.

Rep. Wirgau moved adoption of Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 791 by deleting all language after the enacting clause and substituting instead the following:

**THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

SECTION 1. Tennessee Code Annotated, Section 67-5-1004, is amended by deleting subdivision (3) and substituting instead the following:

(3) "Forest land" means land constituting a forest unit engaged in the growing of trees under a sound program of sustained yield management that is at least fifteen (15) acres and that has tree growth in such quantity and quality and so managed as to constitute a forest;

SECTION 2. Tennessee Code Annotated, Section 67-5-1006, is amended by deleting subsections (d) and (e) and substituting instead the following:

(d) Any person aggrieved by the denial of an application for the classification of land as forest land has the same rights and remedies for appeal and relief as are provided in the general statutes for taxpayers claiming to be aggrieved by the actions of assessors of property or boards of equalization.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Local Government Committee Amendment No. 1 was adopted.

Rep. Sparks moved that **House Bill No. 791**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	0

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 86

A motion to reconsider was tabled.

***House Bill No. 593** -- Welfare - As introduced, clarifies that an adult, for purposes of adult day care services, is an individual who is 18 years of age or older. - Amends TCA Title 4, Chapter 3, Part 12; Title 49; Title 68 and Title 71. by *Beck, *Jernigan, *Gilmore. (SB1032 by *Yarbro)

Rep. Fitzhugh moved that House Bill No. 593 be reset for the Regular Calendar on April 24, 2017, which motion prevailed.

***House Bill No. 594** -- Alcoholic Beverages - As introduced, designates Fresh Hospitality located in Nashville as an urban park center for purposes of consumption on the premises. - Amends TCA Title 57, Chapter 4, Part 1 and Title 57, Chapter 5. by *Beck. (SB739 by *Yarbro)

Rep. Fitzhugh moved that House Bill No. 594 be reset for the Regular Calendar on April 24, 2017, which motion prevailed.

***House Bill No. 1230** -- Deeds - As introduced, requires that a deed for the conveyance of real property be prepared and filed by a licensed attorney or the owner of the property; requires the county register to verify a deed is properly prepared before it is registered and to note the verification on the deed. - Amends TCA Title 8, Chapter 13; Title 23, Chapter 3; Title 66, Chapter 5, Part 1 and Title 66, Chapter 24. by *Beck. (SB1311 by *Yarbro)

Rep. Fitzhugh moved that House Bill No. 1230 be reset for the Regular Calendar on April 24, 2017, which motion prevailed.

***House Bill No. 1271** -- Health Care - As introduced, changes from July 1 to February 1 the deadline for the board for licensing healthcare facilities and the emergency medical services board, in collaboration with the committee on pediatric emergency care, to submit a report on the current status of emergency medical services for children and on continuing efforts to improve such services to the health and welfare committee of the senate and to the health committee of the house of representatives. - Amends TCA Title 68, Chapter 140, Part 3. by *Thompson, *White M, *Miller, *DeBerry, *Byrd, *Akbari, *Camper. (SB1270 by *Norris, *Harris)

Rep. Thompson moved that House Bill No. 1271 be passed on third and final consideration.

Rep. C. Sexton requested that Health Committee Amendment No. 1 be placed at the heel of the amendments.

Rep. C. Sexton requested that Health Committee Amendment No. 2 be placed at the heel of the amendments.

Rep. Ragan moved adoption of Government Operations Committee Amendment No. 1, as House Amendment No. 3, as follows:

Amendment No. 3

AMEND House Bill No. 1271 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-140-302, is amended by adding the following as new subdivisions to be appropriately designated:

() "Community paramedic" means an individual who:

(A) Is licensed as a paramedic that delivers care in emergency and non-urgent pre-hospital settings with oversight of a physician;

(B) Has received specialized training in physiology, disease processes, injury and illness prevention, and medical system navigation, in addition to general paramedic training; and

(C) Meets the requirements for additional licensure as a community paramedic as established by the board;

() "Community paramedicine" means the practice by emergency medical services personnel, primarily in an out-of-hospital setting, that may include the provisions of such services as patient evaluation, advice, treatment directed at preventing or improving a particular medical condition, or referrals to other community resources, which may be provided occasionally or at irregular intervals;

() "Mobile integrated health care" means the provision of health care using patient-centered, mobile resources in the out-of-hospital environment under local medical control as part of a community-based team of health and social services providers to include, but not be limited to, home health organizations and community paramedics;

SECTION 2. Tennessee Code Annotated, Section 68-140-304, is amended by adding the following new subdivision:

() Establish standards for a community paramedic through promulgation of rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. These standards shall provide that the evaluation, advice, and treatment are within the scope of practice of emergency medical services personnel when specifically requested or directed by a physician as a means of delivering mobile integrated health care;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Government Operations Committee Amendment No. 1, as House Amendment No. 3, was adopted.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. C. Sexton moved adoption of Health Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1271 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. Notwithstanding this act or the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5, any rule promulgated to implement the provisions of this act shall be provided to the chairs of the health committee of the house of representatives and the health and welfare committee of the senate by the secretary of state, after approval by the attorney general and reporter, at the same time the text of the rule is made available to the government operations committees of the senate and the house of representatives for purposes of conducting the review required by § 4-5-226 in order for the health committee of the house of representatives and the health and welfare committee of the senate to be afforded the opportunity to comment on the rule.

On motion, Health Committee Amendment No. 2 was adopted.

Rep. Thompson moved that **House Bill No. 1271**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

House Bill No. 879 -- TennCare - As introduced, enacts the "Ground Ambulance Service Provider Assessment Act." - Amends TCA Title 56; Title 68 and Title 71. by *Reedy, *Lamberth, *Powers, *Hill T, *Brooks K, *Gant, *Howell, *Byrd. (*SB704 by *Yager, *Watson, *Haile, *Bell, *Crowe, *Harris, *Bailey, *Bowling, *Briggs, *Stevens)

On motion, House Bill No. 879 was made to conform with **Senate Bill No. 704**; the Senate Bill was substituted for the House Bill.

Rep. Reedy moved that Senate Bill No. 704 be passed on third and final consideration.

Rep. Travis moved that Insurance and Banking Committee Amendment No. 1 be withdrawn, which motion prevailed.

**THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

Rep. Reedy moved that **Senate Bill No. 704** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes 0

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

***House Bill No. 3** -- Civil Procedure - As introduced, makes licensed clinical social workers exempt from subpoena to trial but subject to subpoena to a deposition. - Amends TCA Title 24, Chapter 9, Part 1. by *Goins. (SB41 by *Southerland, *Bell)

Rep. Goins moved that **House Bill No. 3** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 85
Noes 3

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Kane, Keisling, Kumar, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Parkinson, Pitts, Pody, Powell, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 85

Representatives voting no were: Lamberth, Moody, Ragan -- 3

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on **House Bill No. 3** and have this statement entered in the Journal: Rep. Moody.

REGULAR CALENDAR, CONTINUED

***House Joint Resolution No. 31** -- Memorials, Congress - Supports U.S. statehood for Puerto Rico. by *Goins, *Hardaway.

Further consideration of House Joint Resolution No. 31, previously considered on February 27, 2017 and March 6, 2017, at which time it was re-referred to the State Government Committee.

Rep. Goins moved adoption of House Joint Resolution No. 31.

Rep. Hulsey moved adoption of State Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 31 by deleting the final WHEREAS clause in the preamble and substituting instead:

WHEREAS, in 2014, the 113th Congress passed Public Law 113-73, which appropriated \$2.5 million for the first federally sponsored referendum on "options that would resolve Puerto Rico's future political status"; and

WHEREAS, the territorial government in Puerto Rico has submitted the required materials to the Department of Justice and scheduled this federally sponsored referendum for June 11, 2017; and

WHEREAS, Tennessee was the first American territory to become a state in the nation's history; Tennessee has often taken the lead; in the spirit of solidarity with the 3.5 million Americans on the Island of Puerto Rico; now, therefore,

AND FURTHER AMEND by deleting the first resolving clause and substituting instead:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that this General Assembly urges the United States Congress to work with the territorial government of Puerto Rico to ensure a definitive and authoritative act of democratic self-determination in the upcoming vote.

On motion, State Government Committee Amendment No. 1 was adopted.

Rep. Lamberth moved the previous question, which motion prevailed by the following vote:

Ayes 59
Noes..... 25

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Calfee, Carr, Curcio, Daniel, DeBerry, Dunn, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jernigan, Johnson, Jones, Kane,

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Keisling, Kumar, Lamberth, Littleton, Lollar, Marsh, Matheny, McCormick, McDaniel, Mitchell, Pitts, Ragan, Reedy, Rudd, Sexton C., Sexton J., Shaw, Smith, Sparks, Staples, Swann, Thompson, Tillis, Travis, Van Huss, White D., White M., Whitson, Williams, Wirgau, Zachary -- 59

Representatives voting no were: Akbari, Byrd, Clemmons, Coley, Cooper, Crawford, Doss, Eldridge, Faison, Favors, Fitzhugh, Holt, Matlock, Miller, Moody, Pody, Powell, Rogers, Stewart, Terry, Towns, Turner, Weaver, Windle, Madam Speaker Harwell -- 25

Rep. Goins moved adoption of **House Joint Resolution No. 31**, as amended, which motion prevailed by the following vote:

Ayes	53
Noes.....	24
Present and not voting.....	8

Representatives voting aye were: Alexander, Brooks H., Brooks K., Butt, Carr, Clemmons, Cooper, Crawford, Curcio, DeBerry, Eldridge, Faison, Favors, Fitzhugh, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Marsh, McCormick, Mitchell, Pitts, Powell, Ragan, Reedy, Sexton J., Shaw, Smith, Sparks, Staples, Stewart, Thompson, Towns, Turner, Van Huss, White D., Wirgau -- 53

Representatives voting no were: Calfee, Coley, Doss, Gant, Holt, Lollar, Matlock, McDaniel, Miller, Moody, Pody, Rogers, Rudd, Sexton C., Sherrell, Terry, Tillis, Travis, Weaver, Whitson, Williams, Windle, Zachary, Madam Speaker Harwell -- 24

Representatives present and not voting were: Akbari, Byrd, Camper, Daniel, Dunn, Matheny, Swann, White M. -- 8

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on **House Joint Resolution No. 31** and have this statement entered in the Journal: Rep. Rudd.

REGULAR CALENDAR, CONTINUED

House Bill No. 141 -- Common Carriers - As introduced, specifies that a rickshaw does not include a bicycle built for more than three people or any type of motorized scooter used by a disabled person. - Amends TCA Title 55. by *Staples, *Swann. (*SB172 by *Niceley, *Tracy)

Rep. Staples moved that House Bill No. 141 be passed on third and final consideration.

Rep. Doss moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 141 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, is amended by adding the following new chapter:

55-54-101. This chapter shall be known and may be cited as "The Motor Vehicle Recall and Disclosure Law."

55-54-102. For purposes of this chapter:

(1) "Do-not-drive recall" means a recall notice provided to owners of affected vehicles, pursuant to 49 U.S.C. § 30119, when the vehicle manufacturer, in its consumer precautionary advice section governed by 49 CFR 577.5, unconditionally instructs the owner to stop driving the vehicle until the noncompliance or defect remedy is performed;

(2) "Manufacturer" means any person or entity:

(A) That manufactures or assembles new and unused vehicles; or

(B) That in whole or in part sells or distributes any new and unused motor vehicles to motor vehicle dealers;

(3) "Motor vehicle" means any self-propelled motor-driven vehicle having a gross vehicle weight rating (GVWR) of ten thousand pounds (10,000 lbs.) or less of the type required to be registered and titled under this title and includes both new and used motor vehicles;

(4) "Motor vehicle dealer" or "dealer" means any person or entity not excluded by § 55-17-102(19) who is licensed as such in this state engaged in the business of selling, offering to sell, soliciting, or advertising the sale of motor vehicles, or possessing motor vehicles for the purpose of resale, either on that person's own account or on behalf of another, either as that person's primary business or incidental to that person's business;

(5) "New motor vehicle" means any self-propelled motor-driven vehicle having a gross vehicle weight rating (GVWR) of ten thousand pounds (10,000 lbs.) or less that has never been the subject of a sale at retail to the general public;

(6) "Recall database" means a database from which an individual may obtain vehicle identification number (VIN) manufacturer's safety recall information relevant to a specific motor vehicle, including, but not limited to, www.safercar.gov;

(7) "Recall database report" means a report, specific to a vehicle that is identified by its vehicle identification number (VIN), containing information obtained from a recall database;

(8) "Sale":

(A) Means the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, or mortgage in any form, whether by transfer in trust or otherwise, of any motor vehicle, or interest in the motor vehicle, as well as any option, subscription, or other contract, or solicitation looking to a sale, offer, or attempt to sell in any form, whether spoken or written; and

(B) Includes a gift or delivery of any motor vehicle with or as a bonus on account of the sale of anything;

(9) "Stop-sale order" means a notification issued by a manufacturer to its franchised motor vehicle dealers stating that certain used vehicles in inventory shall not be sold or leased, at retail, due to a federal safety recall for a defect or a noncompliance, or a federal emissions recall; and

(10) "Used motor vehicle" means a motor vehicle having a gross vehicle weight rating (GVWR) of ten thousand pounds (10,000 lbs.) or less that has been the subject of a sale at retail to the general public.

55-54-103.

(a) A motor vehicle dealer shall not sell at retail a used motor vehicle until the motor vehicle dealer has obtained a recall database report for the used motor vehicle. The recall database report shall not be older than forty-eight (48) hours prior to the sale of the used motor vehicle. This chapter does not apply to any wholesale transfers of a motor vehicle between dealers licensed in this state, motor vehicle dealers similarly licensed in other states, automobile auctions, and manufacturers.

(b) If a recall database report obtained by a motor vehicle dealer indicates that a used motor vehicle is subject to a do-not-drive recall or a stop-sale order, the dealer shall not sell the used motor vehicle at retail until the do-not-drive or stop-sale recall repair has been made.

(c)

(1) If a recall database report obtained by a dealer indicates that a used motor vehicle is subject to a manufacturer's safety recall other than a used motor vehicle subject to a do-not-drive or stop-sale order that has not been repaired, the dealer shall not sell the used motor vehicle at retail unless the dealer makes the recall repair or both of the following are satisfied:

(A) The dealer discloses the manufacturer's safety recall by providing a copy of the recall database report to the consumer prior to the sale of the used motor vehicle; and

(B) The consumer signs a disclosure acknowledging that the used motor vehicle has a manufacturer's safety recall that has not been repaired.

(2) To comply with subdivision (c)(1)(B), a recall database report that indicates the used motor vehicle is subject to a manufacturer's safety recall and the recall repair has not been made shall be disclosed to the consumer in a document that is signed by the consumer and is separate from the conditional sales contract or other motor vehicle purchase agreement.

(3) The recall database disclosure form required by subdivision (c)(2) shall be provided to the consumer as a separate document, be labeled at the top of the first page with the word "RECALL" in boldface and no smaller than twenty-eight (28) point font size, and contain the following:

DISCLOSURE OF RECALL INFORMATION

VEHICLE: MAKE: _____ MODEL: _____
YEAR: _____ VIN: _____

—

For your safety we have performed a recall search on the website of the National Highway Traffic Safety Administration (NHTSA) (www.safercar.gov). The results of that search and the date it was performed are attached to this notice.

It is our information that the recall repairs have not been performed.

You must also be aware that the manufacturer of this vehicle may have "campaigns" or "service bulletins" regarding this vehicle that you should check through either www.safercar.gov or the manufacturer's website. The NHTSA website may not be up to date, so you need to periodically check.

Date: _____

Customer: _____

Print Name: _____

Date: _____

Co-Buyer: _____

Print Name: _____

Date: _____

Dealer: _____

Print Name: _____

(4) Compliance with this section shall not be waived by any consumer.

(5) The execution or signing of a Disclosure of Recall Information form by a purchaser of a used motor vehicle and the executed form itself shall not be admitted as evidence in any products liability case against the manufacturer.

55-54-104.

(a) A manufacturer shall compensate its franchised motor vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs. Compensation for recall repairs shall be reasonable. If parts or a remedy are not reasonably available to perform a recall service or repair on a used vehicle held for sale by a dealer authorized to sell and service new vehicles of the same line-make within thirty (30) days of the manufacturer issuing the initial notice of recall, and the national highway traffic safety administration (NHTSA) or the manufacturer has issued a stop-sale or do-not-drive order on the vehicle, the manufacturer shall compensate the dealer at a prorated rate of at least one percent (1%) of the value of the vehicle per month beginning on the date that is thirty (30) days after the date on which the stop-sale or do-not-drive order was provided to the dealer until the earlier of either of the following:

(1) The date the recall or remedy parts are made available; or

(2) The date the dealer sells, trades, or otherwise disposes of the affected used motor vehicle.

(b) The value of a used vehicle shall be the average trade-in value for used vehicles as indicated in an independent third-party guide for the year, make, and model of the recalled vehicle.

(c) This section shall apply only to used vehicles subject to safety or emissions recalls pursuant to and recalled in accordance with federal law and regulations adopted thereunder and where a stop-sale or do-not-drive order has been issued and repair parts or remedy remain unavailable for thirty (30) days or longer. This section further shall apply to franchised motor vehicle dealers

holding an affected used vehicle for sale that is a line-make that the dealer is franchised to sell or on which the dealer is authorized to perform recall repairs:

(1) In inventory at the time the stop-sale or do-not-drive order was issued; or

(2) Which was taken in the used vehicle inventory of the dealer as a consumer trade-in incident to the purchase of a new vehicle from the dealer after the stop-sale or do-not-drive order was issued.

(d) It shall be a violation of this chapter for a manufacturer to reduce the amount of compensation otherwise owed to an individual franchised motor vehicle dealer whether through a chargeback, removal of the individual dealer from an incentive program, or reduction in amount owed under an incentive program solely because the franchised motor vehicle dealer has submitted a claim for reimbursement under this section. This subsection (d) shall not apply to an action by a manufacturer that is applied uniformly among all dealers of the same line-make in the state.

(e) All reimbursement claims made by franchised motor vehicle dealers pursuant to this section for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a stop-sale or do-not-drive order shall be subject to the same limitations and requirements as a warranty and sale incentive reimbursement claim pursuant to the rules of the Tennessee motor vehicle commission. In the alternative, a manufacturer may compensate its franchised dealers under a national recall compensation program; provided, that the compensation under the program is equal to or greater than that provided under subsection (a); or as the manufacturer and dealer may otherwise agree.

(f) A manufacturer may direct the manner and method in which a dealer must demonstrate the inventory status of an affected used motor vehicle to determine eligibility under this section; provided, that the manner and method shall not be unduly burdensome and shall not require information that is unduly burdensome to provide.

(g) Nothing in this section shall require a manufacturer to provide total compensation to a dealer which would exceed the total average trade-in value of the affected used motor vehicle as originally determined under subsection (b).

(h) Any remedy provided to a dealer under this section is exclusive and may not be combined with any other state or federal recall compensation remedy.

55-54-105.

This chapter does not apply to the sale of any vehicle that has been issued a nonrepairable vehicle certificate or salvage title, as defined in § 55-3-211, or any other similar certificate or title issued by another state or jurisdiction.

55-54-106.

Noncompliance with this chapter shall constitute a violation of chapter 17, part 1, of this title.

SECTION 2. This act shall take effect January 1, 2018, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Fitzhugh moved the previous question, which motion prevailed.

Rep. Staples moved that **House Bill No. 141**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Pitts, Pody, Powell, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

***House Bill No. 99** -- Criminal Procedure - As introduced, clarifies that partial expunctions of criminal records are the removal of electronic records from relevant national, state, and local databases; adds \$5.00 to seat belt violation fines to cover court clerk costs. - Amends TCA Section 40-32-101 and Section 55-9-603. by *Lamberth. (SB1137 by *Stevens)

Rep. Lamberth moved that House Bill No. 99 be passed on third and final consideration.

Rep. Curcio moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 99 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-32-101(j), is amended by deleting the subsection in its entirety and substituting the following:

A person who is ineligible for expunction of the person's records pursuant to subdivision (a)(1)(E) shall, upon petition by that person to the court having jurisdiction in the previous action, be entitled to removal of public records from electronic databases, as provided in this subsection (j), relating to the person's arrest, indictment, charging instrument, or disposition for any charges other than the offense for which the person was convicted. The public records shall be removed from the relevant electronic databases of the national crime information center system and similar state databases, and the person shall be entered into the Tennessee bureau of investigation's expunged criminal offender and pretrial diversion database with regard to the offenses removed pursuant to this subsection (j). The public records shall also be removed from any public electronic database maintained by a court clerk and may, at the discretion of the court clerk and subject to court approval, be removed and destroyed from any other records maintained by the court clerk. Nothing in this subsection (j) shall require court clerks to expunge records relating to an offense for which the person was convicted. Court clerks shall not be liable for any errors or omissions relating to the removal and destruction of records under this section.

SECTION 2. Tennessee Code Annotated, Section 55-9-603(d), is amended by deleting the subsection and substituting instead the following language:

(1) A violation of this section is a Class C misdemeanor. All proceeds from the fines imposed by this subsection (d), except as otherwise provided by subdivisions (d)(2) and (3), shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents.

(2)

(A) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of thirty dollars (\$30.00) for a first violation, and fifty-five dollars (\$55.00) for a second or subsequent violation to the clerk of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed.

(B) The revenue generated by fifteen dollars (\$15.00) of the thirty-dollar fine in subdivision (d)(2)(A) for a person's first conviction shall be deposited in the state general fund without being designated for any specific purpose. Ten dollars (\$10.00) of the thirty-dollar fine for the person's first conviction under subdivision (d)(2)(A) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the thirty-dollar fine for the person's first conviction under subdivision (d)(2)(A) shall be retained by the court clerk.

(C) The revenue generated by thirty dollars (\$30.00) of the fifty-five-dollar fine under subdivision (d)(2)(A) for a person's second or subsequent conviction shall be deposited in the state general fund without being designated for any specific purpose. Twenty dollars (\$20.00) of the fifty-five-dollar fine for the person's second or subsequent conviction under subdivision (d)(2)(A) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the fifty-five-dollar fine for the person's second or subsequent conviction under subdivision (d)(2)(A) shall be retained by the court clerk.

(3)

(A) Notwithstanding subdivision (d)(2), a person charged with a violation of subsection (i) may, in lieu of appearance in court, submit a fine of thirty dollars (\$30.00) to the clerk of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed.

(B) Notwithstanding subdivision (d)(2), the revenue generated by fifteen dollars (\$15.00) of the thirty-dollar fine under subdivision (d)(3)(A) for a person's first conviction under subsection (i) shall be deposited in the state general fund without being designated for any specific purpose. Ten dollars (\$10.00) of the thirty-dollar fine for the person's first conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the thirty-dollar fine for the person's first conviction under subsection (i) shall be retained by the court clerk.

(C) The revenue generated by five dollars (\$5.00) of the thirty-dollar fine under subdivision (d)(3)(A) for a person's second or subsequent conviction under subsection (i) shall be deposited in the state general fund without being designated for any specific purpose. Twenty dollars (\$20.00) of the thirty-dollar fine for the person's second or subsequent conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the thirty-dollar fine for the person's second or subsequent conviction under subsection (i) shall be retained by the court clerk.

SECTION 3. Tennessee Code Annotated, Section 55-9-603(e), is amended by deleting the language "No clerk's fee nor court costs" and substituting instead the language "Except as otherwise provided by subdivisions (d)(2) and (3), no clerk's fee nor court costs".

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

SECTION 4. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. All other sections shall take effect on July 1, 2017, the public welfare requiring it, and shall apply to offenses committed on or after such date.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Lamberth moved that **House Bill No. 99**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 83
Noes..... 2

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gant, Gravitt, Halford, Hardaway, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Wirgau, Zachary, Madam Speaker Harwell -- 83

Representatives voting no were: Goins, Windle -- 2

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "no" on **House Bill No. 99** and have this statement entered in the Journal: Rep. Terry.

REGULAR CALENDAR, CONTINUED

***House Bill No. 106** -- Highways, Roads and Bridges - As introduced, requires commissioners appointed by the county legislative body to oversee bridge repairs to report all completed repairs to the county legislative body within 60 days of the repair, rather than at the next meeting of the county legislative body. - Amends TCA Title 4; Title 54; Title 55 and Title 67. by *Doss, *Lamberth. (SB1345 by *Bailey)

Rep. Lamberth moved that House Bill No. 106 be passed on third and final consideration.

Rep. Doss moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

**THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

AMEND House Bill No. 106 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-201, is amended by deleting the following language:

(f) No plate authorized by this part that has failed to meet minimum issuance or renewal requirements and has been deemed obsolete and invalid pursuant to this section, nor a plate substantially the same in appearance or content, shall be eligible for re-issuance pursuant to this part until the expiration of a three-year period beginning on the date the plate, or a plate substantially the same in appearance or content, was deemed obsolete and invalid.

SECTION 2. Tennessee Code Annotated, Section 55-4-201(g), is amended by deleting the language "(e), (f), and (h)" and substituting instead the language "(e), and (h)".

SECTION 3. Tennessee Code Annotated, Section 55-4-202(c)(5)(B)(i), is amended by deleting the subdivision in its entirety and substituting instead the following:

(i) Bryan College;

SECTION 4. Tennessee Code Annotated, Section 55-4-234(a), is amended by deleting the language "Notwithstanding § 55-4-201(f), an owner" and substituting instead the language "An owner".

SECTION 5. Tennessee Code Annotated, Title 55, Chapter 4, is amended by deleting the following language wherever it appears:

Section 55-4-201(f) shall not apply to the new specialty earmarked license plate authorized by this section.

SECTION 6. Tennessee Code Annotated, Title 55, Chapter 4, is further amended by deleting the following language wherever it appears:

Section 55-4-201(f) shall not apply to the new specialty earmarked license plates authorized by this section.

SECTION 7. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Lamberth moved that **House Bill No. 106**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	2

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Representatives voting aye were: Akbari, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dunn, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 85

Representatives voting no were: Alexander, Towns -- 2

A motion to reconsider was tabled.

PRESENT IN CHAMBER

Rep. Powers was recorded as being present in the Chamber.

REGULAR CALENDAR, CONTINUED

***House Bill No. 448** -- Drugs, Prescription - As introduced, authorizes local education agencies and nonpublic schools to maintain opioid antagonists in schools. - Amends TCA Title 49 and Title 63. by *Forgety, *Hazlewood, *Brooks K, *Sexton C. (SB458 by *Bell, *Yager, *Yarbro)

On motion, House Bill No. 448 was made to conform with **Senate Bill No. 458**; the Senate Bill was substituted for the House Bill.

Rep. Forgety moved that Senate Bill No. 458 be passed on third and final consideration.

Rep. H. Brooks moved that Education Administration & Planning Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Forgety moved that **Senate Bill No. 458** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 458** and have this statement entered in the Journal: Rep. Hawk.

REGULAR CALENDAR, CONTINUED

***House Bill No. 267** -- Schools, Charter - As introduced, authorizes a chartering authority to require a charter school sponsor to pay an application fee of \$2,500; authorizes an LEA to receive an annual authorizer fee of up to 3 percent of the charter school's per student state and local funding if the LEA is the charter school's chartering authority. - Amends TCA Title 49, Chapter 13. by *Brooks H. (SB263 by *Tracy)

Rep. H. Brooks requested that House Bill No. 267 be moved behind item no. 21 on today's Calendar, which motion prevailed.

***House Bill No. 1015** -- State Employees - As introduced, increases time the appointing authority has to appoint one of the applicants after being referred a list of eligibles from within 30 days to within 45 days. - Amends TCA Title 4; Title 8 and Title 49. by *Brooks H, *Carter. (SB1060 by *Massey, *Lundberg)

On motion, House Bill No. 1015 was made to conform with **Senate Bill No. 1060**; the Senate Bill was substituted for the House Bill.

Rep. H. Brooks moved that Senate Bill No. 1060 be passed on third and final consideration.

Rep. Moody moved that Civil Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. H. Brooks moved that **Senate Bill No. 1060** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gant, Goins, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry,

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

***House Bill No. 310** -- Schools, Charter - As introduced, enacts the "Tennessee High-Quality Charter Schools Act." - Amends TCA Title 49, Chapter 13. by *Hawk, *Casada, *White M, *Kumar. (SB1197 by *Norris, *Kelsey)

Rep. H. Brooks moved that House Bill No. 310 be passed on third and final consideration.

Rep. Forgety moved adoption of Education Instruction & Programs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 310 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Tennessee High-Quality Charter Schools Act."

SECTION 2. Tennessee Code Annotated, Section 49-13-104, is amended by deleting subsection (3) in its entirety and substituting instead the following language:

(3) "Charter agreement" means a fixed-term renewable agreement between a public charter school and the chartering authority that outlines the responsibilities and performance expectations of each party;

SECTION 3. Tennessee Code Annotated, Section 49-13-104, is further amended by adding the following as a new, appropriately designated subsection:

() "Conversion public charter school" means a charter school established by the conversion of an existing non-charter public school into a charter school;

SECTION 4. Tennessee Code Annotated, Section 49-13-106, is amended by deleting subdivisions (b)(1)(D) and (b)(3)(B) in their entirety and appropriately redesignating the remaining subdivisions.

SECTION 5. Tennessee Code Annotated, Section 49-13-106, is further amended by deleting in subdivision (a)(3)(A) the language "or member of the governing body" and substituting instead the language "member of the governing body, or siblings of students already enrolled in the public charter school".

SECTION 6. Tennessee Code Annotated, Section 49-13-108, is amended by deleting subsection (d) in its entirety and substituting instead the following language:

(d) Approval of a charter application shall not be based on conditions or contingencies.

SECTION 7. Tennessee Code Annotated, Section 49-13-108, is further amended by deleting subsection (f) in its entirety and substituting instead the following language:

(f) Chartering authorities shall adopt policies and practices for quality charter authorizing standards as approved by the state board of education.

SECTION 8. Tennessee Code Annotated, Section 49-13-108, is further amended by adding the following language as a new, appropriately designated subsection:

() Within ten (10) days of approving or denying a charter application, the chartering authority shall report to the department of education whether the chartering authority has approved or denied the application. The chartering authority shall provide the department a copy of the chartering authority's resolution setting forth the action taken and reasons for the decision.

SECTION 9. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following language as a new, appropriately designated section:

(a) Beginning with the 2018-2019 school year, if the local board of education is the chartering authority of a charter school, then the local board shall receive an annual authorizer fee that is a percentage of the charter school's per student state and local funding as allocated under § 49-13-112. The annual authorizer fee shall be the lesser of three percent (3%) of the annual per student state and local allocations or thirty-five thousand dollars (\$35,000) per school.

(b) The LEA shall use the annual authorizer fee exclusively for fulfilling authorizing obligations in accordance with this chapter.

(c) By December 1 of each year, each LEA that collects an annual authorizer fee shall report to the department of education the total amount of authorizer fees collected in the previous school year and the authorizing obligations fulfilled using the fee. The department shall create a standard document for the purposes of this report and shall post the information on its website. If, for any school year, the total amount of authorizer fees collected by the LEA exceeds the amount used by the LEA to perform its authorizing obligations and responsibilities, the LEA shall distribute the amount remaining to its authorized public charter schools. The department shall develop a process to refund the unused fees to authorized public charter schools in the school year immediately following the school year in which the unused fees were collected by the LEA.

SECTION 10. Tennessee Code Annotated, Section 49-13-112, is amended by deleting subsection (a) in its entirety and substituting instead the following language:

(a) A local board of education shall allocate to the charter school an amount equal to the per student state and local funds received by the LEA and all appropriate allocations under federal law or regulation, including, but not limited to, Title I and ESEA funds. The allocation shall be made in accordance with the policies and procedures developed by the department of education. Each LEA shall include as part of its budget submitted pursuant to § 49-2-203, the per pupil amount of local money it will pass through to charter schools during the upcoming school year. Allocations to the charter schools during that year shall be based on the per pupil amount. The LEA shall distribute the portion of local funds it expects to receive in no fewer than nine (9) equal installments to the charter schools in the same manner as state funds are distributed pursuant to chapter 3 of this title. An LEA shall adjust payments to the charter schools, at a minimum, in October, February, and June, based on changes in revenue, student enrollment, or student services. All funds received by a charter school shall be spent according to the budget submitted or as otherwise revised by the public charter school governing body, subject to the requirements of state and federal law.

SECTION 11. Tennessee Code Annotated, Section 49-13-112, is further amended by deleting subdivision (b)(2) in its entirety and appropriately redesignating the remaining subdivisions.

SECTION 12. Tennessee Code Annotated, Section 49-13-112, is further amended by deleting subdivision (b)(3) in its entirety and substituting instead the following language:

(A) With the exception of the annual authorizer fees provided under this chapter, a public charter school shall not be required to pay a fee or purchase any services from the authorizer. Charter schools shall not be required to pay any fee as a condition for charter approval by the local board of education or for recommendation for approval by LEA staff or a committee established by the LEA for the purposes of making recommendations for charter school application decisions.

(B) A public charter school may choose to purchase services from the LEA in which the school is located, such as transportation or food services. In such event, the public charter school and LEA shall execute an annual service contract, separate from the charter contract, setting forth the mutual agreement of the parties concerning any service fees to be charged to the public charter school.

(C) A public charter school shall not pay any administrative fee to the LEA for charter authorizing functions except as provided through the annual authorizer fees mandated or permitted by this chapter.

(D) If the charter agreement includes a provision whereby the chartering authority will provide services for employee benefits or retirement, then the chartering authority may withhold funds to cover the costs of those services. If a services contract is executed with the chartering authority, then the chartering authority may withhold funds to cover the costs of those services.

SECTION 13. Tennessee Code Annotated, Section 49-13-112(c)(1), is amended by deleting the language "The per pupil share of each charter school shall be based on prior year ADM, except that the per pupil share of any charter school in its first year of operation shall be based on the anticipated enrollment in the charter agreement."

SECTION 14. Tennessee Code Annotated, Section 49-13-113, is amended by deleting the section in its entirety and substituting instead the following language:

(a) Participation in a public charter school shall be based on parental choice or the choice of the legal guardian or custodian.

(b)

(1) A public charter school shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building.

(2) An enrollment preference shall be provided to students that attended the charter school during the previous school year.

(3) If the number of applications exceeds the capacity of a program, class, grade level, or building, the charter school shall select students through a lottery. The enrollment preference for returning students provided in subdivision (b)(2) shall exclude those students from entering into a lottery.

(4) If an enrollment lottery is conducted, a public charter school shall give enrollment preferences in the following order:

(A) Students enrolled in a pre-K program operated by the charter school sponsor;

(B) Students enrolled in a charter school that has an articulation agreement with the enrolling public charter school; provided, that the articulation agreement has been approved by the chartering authority;

(C) Siblings of students already enrolled in the public charter school;

(D) Students from a group or groups set forth in § 49-13-106(b)(1)(C) if the public charter school has been approved with the focus of serving such students;

(E) Students residing within the LEA in which the public charter school is located who were enrolled in another public school during the previous school year; and

(F) Students residing outside the LEA in which the public charter school is located.

(5) A public charter school may give an enrollment preference to children of a teacher, sponsor, or member of the governing body of the charter school, not to exceed ten percent (10%) of total enrollment or twenty-five (25) students, whichever is less.

(6) Any non-charter public school converting partially or entirely to a public charter school under § 49-13-106 shall give enrollment preference to students who reside within the former attendance area of that public school. Parents whose children are enrolled in the existing public school to be converted shall have the option to enroll their children in another public school operated by the LEA without penalty. The enrollment preference for students who reside within the former attendance area excludes those students from entering into a lottery.

(7) Students living in other school zones may enroll in a conversion charter school after those living in the school zone have the opportunity to enroll, but only if there is program, class, grade level, and building capacity to serve the out-of-zone students. If applications by out-of-zone students exceed the charter school's capacity, then enrollment of out-of-zone students shall be determined on the basis of a lottery. Out-of-zone students who attended the school the previous school year and such students' siblings may be given preference in enrollment. Parents whose children are enrolled in the existing public school to be converted shall have the option to enroll their children in another public school operated by the LEA without penalty.

(8)

(A) A charter school shall provide to the department of education certification by an independent accounting firm or by a law firm that each lottery conducted for enrollment purposes complied with the requirements of this section. In lieu of such certification, a charter school may request that the department of education review and approve the lottery process.

(B) The charter school shall comply with the Family Educational Rights and Privacy Act, codified in 20 U.S.C. § 1232g, with respect to the publication of any students' names before, during, or after the enrollment and lottery process.

(9) The state board of education is authorized to promulgate rules concerning lottery enrollment. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 15. Tennessee Code Annotated, Section 49-13-115, is amended by deleting the section in its entirety.

SECTION 16. Tennessee Code Annotated, Section 49-13-120, is amended by adding the following language as a new, appropriately designated subsection:

() In addition to the annual audit of accounts and records of its approved public charter schools pursuant to § 49-13-127, each chartering authority shall submit to the department of education an annual authorizing report by January 1 of each year. The report shall include the following items:

(1) The operating status of the charter schools approved by the authorizer with a designation of:

(A) Approved but not yet open;

(B) Open and operating;

(C) Revoked, including the reason for revocation;

(D) Non-renewed; or

(E) Closed, including date of closing and the reason for closing;

(2) The oversight and contracted services, if any, provided by the authorizer to the charter schools approved by the chartering authority; and

(3) A performance report for each public charter school it oversees, in accordance with the performance framework set forth in the charter agreement.

SECTION 17. Tennessee Code Annotated, Section 49-13-121, is amended by deleting subsection (a) in its entirety and substituting instead the following language:

(a)

(1) A charter agreement shall be effective upon approval of the charter application by the chartering authority. The charter shall expire ten (10) years after the first day of instruction. An approved public charter school may delay, for a period not to exceed one (1) academic year, the initial opening of the school. If the charter school requires a delay in its initial opening of more than one (1) academic year, the school shall obtain annual approval of that delay from its chartering authority.

(2) A renewal of a charter agreement shall be for a period of ten (10) academic years.

SECTION 18. Tennessee Code Annotated, Section 49-13-122, is amended by deleting the section in its entirety and substituting instead the following language:

(a)

(1) A public charter school agreement shall be revoked or denied renewal by the final chartering authority if the school receives identification as a priority school, as defined by the state's accountability system pursuant to § 49-1-602 for 2017 or any year thereafter. Such revocation shall take effect immediately following the close of the school year in which the school is identified as a priority school.

(2) A public charter school's identification as a priority school that is scheduled to close under this subsection (a) shall be entitled to a review by the department of education to verify the accuracy of the data used to identify the school as a priority school.

(3) This subsection (a) shall not apply to schools authorized by the achievement school district pursuant to § 49-1-614 or to schools converted to charter schools under § 49-13-106(b)(2) unless the school receives identification as a priority school, as defined by the state's accountability system pursuant to § 49-1-602, for two (2) consecutive cycles.

(4) Nothing in this subsection (a) shall prohibit a chartering authority from revoking or denying renewal of a charter agreement of a charter school that fails to meet the minimum performance requirements set forth in the charter agreement.

(b) A public charter school agreement may be revoked at any time or not renewed by the final chartering authority if the chartering authority determines that the school:

(1) Committed a material violation of any conditions, standards, or procedures set forth in the charter agreement;

(2) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter agreement; or

(3) Failed to meet generally accepted standards of fiscal management.

(c) Thirty (30) days prior to any decision by an LEA to revoke a charter agreement, the LEA shall notify the charter school in writing of the possibility of revocation and the reasons for such possible revocation.

(d) If the chartering authority revokes or does not renew a charter agreement, the chartering authority shall clearly state in writing its reasons for the revocation or nonrenewal.

(e) Within ten (10) days of a chartering authority voting to renew, not renew, or revoke a charter agreement, the chartering authority shall report to the

department of education the decision and shall provide a copy of the chartering authority's resolution setting forth the decision and reasons for the decision.

(f) A decision to revoke or not to renew a charter agreement may be appealed to the state board of education within ten (10) days of the decision, except for revocations or failures to renew based on the violations specified in subsection (a). Within sixty (60) days after receipt of the notice of appeal and after reasonable public notice, the state board, at a public hearing attended by the board or its designated representative and held in the school district in which the charter school has been operating, shall conduct a de novo on the record review of the chartering authority's decision. In order to overturn an LEA's decision to revoke or not to renew a charter agreement, the state board must find that such decision was contrary to § 49-13-122. The decision of the state board shall be final and not subject to appeal. This subsection shall apply only to decisions to revoke or not to renew a charter agreement where the LEA is the chartering authority.

(g) Except in the case of fraud, misappropriation of funds, flagrant disregard of the charter agreement, or similar misconduct, a decision to revoke or not to renew a charter agreement shall become effective at the close of the school year.

(h) If a public charter school voluntarily closes, its charter agreement with the chartering authority shall cease to be effective as of the closing date.

SECTION 19. Tennessee Code Annotated, Title 49, Chapter 13, is further amended by adding the following language as a new, appropriately designated section:

The chartering authority shall have a procedure in place for the closure of a charter school prior to the decision to deny renewal or revoke a charter agreement. Closure of a charter school by the chartering authority shall be in accordance with the following:

(1) Within one (1) calendar week of a decision to deny renewal or revoke a charter agreement, a charter school must notify in writing the parents or legal guardians of all students enrolled in the school of the closure decision;

(2) Within two (2) calendar weeks of a chartering authority's decision to close a charter school, the chartering authority shall meet with the school's governing body and leadership to establish a transition team composed of staff from the charter school, staff from the chartering authority, and anyone else the chartering authority deems necessary, who shall attend to the closure, including:

(A) The transfer of students;

(B) The release and transfer of student records to the chartering authority or the department;

(C) The release and transfer of personnel records to the chartering authority or the department;

(D) The submission of financial statements to the appropriate chartering authority or department;

(E) The disposition of school funds;

(F) The disposition of school assets; and

(G) A school audit pursuant to § 49-2-112;

(3) The chartering authority and transition team shall, within thirty (30) days of the decision to close a charter school, communicate to the families of students enrolled in the school all other public school options for which the student is eligible to enroll;

(4) Once a public charter school has been non-renewed or revoked, the school may not enroll any new students. If the state board of education overturns the decision for closure pursuant to § 49-13-122, the charter school may continue to enroll students;

(5) The chartering authority and transition team shall communicate regularly with the families of students enrolled in the school, as well as with school staff and other stakeholders, to keep them apprised of key information regarding the school's closing;

(6) The chartering authority and transition team shall ensure that current instruction of students enrolled in the school continues, pursuant to the charter agreement, for the remainder of the school year unless an immediate closure is ordered by the chartering authority in accordance with § 49-13-122(g);

(7) The chartering authority and transition team shall ensure that all agencies, employees, insurers, contractors, creditors, debtors, and management organizations are properly notified of the closing of the charter school; and

(8) The governing body of the charter school shall continue to meet as necessary to wind down school operations, manage school finances, allocate resources, and facilitate the closure.

SECTION 20. Tennessee Code Annotated, Title 49, Chapter 13, is further amended by adding the following language as a new, appropriately designated section:

() To effectuate § 49-13-113, within thirty (30) days of receiving a request from a chartering authority or a public charter school approved to operate one (1) or more schools in the district, an LEA shall provide at no cost a list of student names, ages, addresses, dates of attendance, and grade levels

completed in accordance with § 10-7-504 and the Family Educational Rights and Privacy Act (FERPA), compiled at 20 U.S.C. § 1232g. Such information shall not be released by the receiving entity to outside parties without prior written consent from the parent or eligible student. Each recipient of such information shall adopt and implement a policy allowing parents or eligible students to decline to receive further information from the charter school.

SECTION 21. Tennessee Code Annotated, Section 49-13-137, is amended by deleting the section in its entirety.

SECTION 22. Tennessee Code Annotated, Title 49, Chapter 13, is further amended by adding the following as a new, appropriately designated section:

(a) The performance-related provisions within a charter agreement shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the authorizer's evaluation of each public charter school. The department of education shall develop a model performance framework that includes, at a minimum, student academic performance, achievement gaps between major student subgroups, postsecondary readiness, and financial performance and sustainability.

(b) Chartering authorities may develop and adopt a performance framework for all schools authorized for operation, including both charter and non-charter public schools. If a chartering authority has not adopted a performance framework for all of its schools, it must adopt the model performance framework developed by the department for its charter schools.

SECTION 23. Tennessee Code Annotated, Title 49, Chapter 13, is further amended by adding the following as a new, appropriately designated section:

(a) The commissioner of education is authorized to establish a public charter schools facilities program for the purpose of assisting public charter schools in acquiring and improving property to educate students, including the purchase of property, general capital improvements to existing and available buildings, assistance with any costs associated with the purchase or lease of underutilized or vacant property available pursuant to § 49-13-136, and assistance with the repayment of debt incurred for existing capital outlay projects.

(b) The commissioner may award grants and loans through the charter schools facilities program to public charter school governing bodies or charter management organizations for qualifying capital projects as determined through policies developed by the department of education. Such policies shall ensure funds are made available on an equitable basis for the benefit of public charter schools of all sizes, characteristics, geographic locations, and authorizers.

(c) Subject to appropriations, a public charter schools facilities fund shall be established as a separate account in the state treasury for the purposes of funding approved projects through the public charter schools facilities program. Costs for administering the public charter schools facilities program may be

funded from the public charter schools facilities program fund. Amounts remaining in the fund at the end of each fiscal year shall not revert to the general fund. Moneys in the public charter schools facilities program fund shall be invested by the state treasurer pursuant to title 9, chapter 4, part 6 for the sole benefit of the fund.

SECTION 24. Tennessee Code Annotated, Section 49-13-107, is amended by deleting subdivision (b)(4) in its entirety and substituting instead the following language:

(4) An operating budget based on anticipated enrollment; provided, however, that such operating budget shall not exceed a ten-year projection;

SECTION 25. Tennessee Code Annotated, Section 49-13-107, is further amended by deleting subsection (e) in its entirety and substituting instead the following language:

(e) In reviewing and evaluating a charter application, a chartering authority shall, if applicable, take into account the performance, including both student growth and achievement, of any charter school operated by the sponsor.

SECTION 26. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Education Instruction & Programs Committee Amendment No. 1 was adopted.

Rep. Byrd moved the previous question, which motion failed by the following vote:

Ayes 56
Noes 30

Representatives voting aye were: Alexander, Brooks H., Brooks K., Byrd, Carr, Coley, Crawford, Curcio, Doss, Dunn, Eldridge, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Johnson, Kane, Kumar, Lamberth, Littleton, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Moody, Pody, Ragan, Reedy, Sargent, Sexton C., Sexton J., Sherrell, Smith, Swann, Terry, Tillis, Travis, White D., White M., Whitson, Williams, Wirgau, Zachary, Madam Speaker Harwell -- 56

Representatives voting no were: Akbari, Camper, Clemmons, Cooper, Daniel, DeBerry, Faison, Favors, Fitzhugh, Hardaway, Jernigan, Jones, Keisling, Lollar, Miller, Mitchell, Parkinson, Pitts, Powell, Rogers, Rudd, Shaw, Sparks, Stewart, Thompson, Towns, Turner, Van Huss, Weaver, Windle -- 30

After further discussion, Rep. Hazlewood moved the previous question, which motion prevailed.

Rep. H. Brooks moved that **House Bill No. 310**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 78

Noes..... 8

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Forgety, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, Miller, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Swann, Terry, Tillis, Travis, Van Huss, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 78

Representatives voting no were: Clemmons, Jones, Mitchell, Stewart, Thompson, Towns, Turner, Weaver -- 8

A motion to reconsider was tabled.

***House Bill No. 267** -- Schools, Charter - As introduced, authorizes a chartering authority to require a charter school sponsor to pay an application fee of \$2,500; authorizes an LEA to receive an annual authorizer fee of up to 3 percent of the charter school's per student state and local funding if the LEA is the charter school's chartering authority. - Amends TCA Title 49, Chapter 13. by *Brooks H. (SB263 by *Tracy)

Further consideration of House Bill No. 267, previously considered on today's Calendar.

Rep. H. Brooks moved that House Bill No. 267 be passed on third and final consideration.

Rep. Forgety moved adoption of Education Instruction & Programs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 267 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-13-108(a)(5), is amended by deleting the subdivision and substituting instead the following:

A chartering authority may require a charter school sponsor to pay to the chartering authority an application fee of up to two thousand five hundred dollars (\$2,500) with each charter school application the sponsor files.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Education Instruction & Programs Committee Amendment No. 1 was adopted.

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. H. Brooks moved that **House Bill No. 267**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

***House Bill No. 1021** -- Energy - As introduced, urges the department of environment and conservation to study other states' laws that require or allow the state to regulate wind energy facility siting; requires a written summary to be submitted to the general assembly. - Amends TCA Title 5; Title 6; Title 7; Title 65 and Title 68. by *Sexton C. (SB1336 by *Bailey, *McNally)

Rep. C. Sexton moved that House Bill No. 1021 be passed on third and final consideration.

Rep. Halford moved adoption of Agriculture and Natural Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1021 by deleting all language after the caption and substituting instead the following:

WHEREAS, badly placed and poorly designed wind energy facilities can pose a significant threat to our citizens and people who visit this state to experience the scenic beauty of Tennessee's state and national parks; natural heritage and conservation areas; and mountains, valleys, and hills; and

WHEREAS, wind energy facilities located near state and national parks and on mountains, valleys, and hills of this state also pose serious risks to Tennessee's natural resources, including threatened and endangered species and their habitats, and detract from the natural scenic views and beauty of the mountains, valleys, and hills, and our state and national parks, which are appreciated by citizens and tourists alike; and

WHEREAS, wind energy facilities located on mountains also detrimentally interfere with medical flights, military navigation routes, and flight paths of helicopters and other aircraft; and

WHEREAS, it is imperative that the General Assembly provide for the protection of our citizens, the recovery and conservation of this state's natural resources, wildlife, and scenic beauty for all to enjoy, and for a continued military presence in this state; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, is amended by adding Sections 2 through 5 as a new chapter.

SECTION 2. As used in this chapter:

(1) "Construct" or "construction":

(A) Means the process of bringing a wind energy facility to completion; and

(B) Includes the following:

(i) Planning;

(ii) Research, but does not include wind and environmental analysis;

(iii) Feasibility analysis, but does not include wind and environmental analysis;

(iv) Environmental evaluation, but does not include wind and environmental analysis;

(v) Preliminary engineering;

(vi) Designing;

(vii) Relocation of utilities;

(viii) Permitting;

(ix) Environmental mitigation;

(x) Contracting; and

(xi) Financing;

(2) "Local government" means any county, municipality, city, or other political subdivision of this state;

(3) "Operate" or "operation":

(A) Means any activity associated with the management, operation, and maintenance of a completed wind energy facility; and

(B) Includes the installation or improvement of the wind energy facility;

(4) "Person" means any natural person, corporation, limited liability company, partnership, joint venture, or other private business entity except for corporations transacting business in this state pursuant to chapter 25 of this title;

(5) "Redevelop" or "redevelopment" means the process of replanning, reconstructing, or redesigning a wind energy facility, including the acquisition, clearance, development, or disposal, or any combination of these activities, of a wind energy facility;

(6) "Transmission facility" means a power cable, distribution line, or other equipment that delivers electricity from a wind turbine located in this state to the point of interconnection with a power distribution grid, long-distance power transmission grid, or other facility by and through which the electricity is distributed or transmitted to one or more customers; provided, that nothing in this chapter shall apply to any distribution, transmission, or other facilities that are located beyond the point of interconnection with the power distribution grid or transmission grid;

(7) "Wind energy facility":

(A) Means the equipment necessary for the operation of a facility that uses wind to generate electricity or that uses wind energy to heat or cool, or provide hot water for use in, a building or structure, including parts solely related to the functioning of that equipment, that cumulatively, with any other wind energy facility, has a rated capacity of one megawatt (1 MW) or more of energy;

(B) Includes turbines, towers, buildings, transmission facilities, and other associated facilities; and

(C) Does not include equipment that, when installed in connection with a dwelling, transmits or uses wind energy to produce energy in a useful form for residential purposes; and

(8) "Wind energy facility expansion" means any activity that:

(A) Adds or substantially modifies a wind energy facility, including increasing the height or the number of the turbines, transmission facilities, or other equipment; or

(B) Increases the footprint of the wind energy facility.

SECTION 3. This chapter shall not apply in any local government that has adopted regulations related to the siting of wind energy facilities in its jurisdiction on or before July 1, 2017.

SECTION 4. From the effective date of this act until July 1, 2018, no person shall construct, operate, or redevelop a wind energy facility, or initiate a wind energy facility expansion in this state.

SECTION 5.

(a) There is created a special joint legislative study committee to evaluate and make recommendations relative to the siting of wind energy facilities.

(b) The committee shall be composed of three (3) members of the senate, to be appointed by the speaker of the senate, and three (3) members of the house of representatives, to be appointed by the speaker of the house of representatives. In making such appointments, the speakers may consult with the commissioner of environment and conservation and the executive director of the wildlife resources agency.

(c) The committee shall be convened by the member with the most years of continuous service in the general assembly and, at its organizational meeting, shall elect a chair, vice chair, and other officers the committee may deem necessary.

(d) The committee shall only meet on days the members of the committee are at the capitol for other business. Members shall not receive any additional compensation for service on the committee, but shall be eligible for reimbursement for travel expenses.

(e) All appropriate state agencies shall provide assistance to the committee upon the request of the chair.

(f) The committee shall timely report its findings and recommendations, including any potential legislation, to the energy, agriculture and natural resources committee of the senate and the agriculture and natural resources committee of the house of representatives by January 1, 2018, at which time the committee shall cease to exist.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Agriculture and Natural Resources Committee Amendment No. 1 was adopted.

Rep. C. Sexton moved that **House Bill No. 1021**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 85

1275

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Noes..... 3

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, DeBerry, Doss, Dunn, Eldridge, Faison, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 85

Representatives voting no were: Daniel, Holt, Swann -- 3

A motion to reconsider was tabled.

***House Bill No. 707** -- Medical Occupations - As introduced, requires the board of medical examiners to list the types of practitioners that are exempt from the practice of medicine requirements on its website. - Amends TCA Section 63-6-204. by *Whitson, *Sexton C, *Windle, *Pitts, *Terry. (SB845 by *Green, *Briggs)

On motion, House Bill No. 707 was made to conform with **Senate Bill No. 845**; the Senate Bill was substituted for the House Bill.

Rep. Whitson moved that Senate Bill No. 845 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Jernigan moved the previous question, which motion prevailed.

Rep. Whitson moved that **Senate Bill No. 845** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 87

A motion to reconsider was tabled.

***House Bill No. 275** -- Financial Disclosure - As introduced, requires a member of the general assembly to disclose travel expenses paid on behalf of the member by a person with an interest in a public policy of this state if the travel was for the purpose of informing or advising the member with respect to the policy. - Amends TCA Title 2, Chapter 10, Part 1; Title 3, Chapter 6 and Title 8, Chapter 50, Part 5. by *McCormick. (SB327 by *Overbey, *Yarbro, *Roberts)

Rep. McCormick moved that **House Bill No. 275** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

***House Bill No. 488** -- Municipal Government - As introduced, authorizes cities incorporated under the general law city manager commission charter to charge fire fees for the construction and maintenance of municipal fire departments. - Amends TCA Title 6, Chapter 19. by *Lollar. (SB1257 by *Norris)

Further consideration of House Bill No. 488, previously considered on April 13, 2017, at which time it was reset for today's Calendar.

Rep. Lollar moved that House Bill No. 488 be passed on third and final consideration.

Rep. Wirgau moved adoption of Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 488 by adding the following as a new subdivision (b)(4) in Section 1:

(4) If a city imposing a fee under this subsection (b) is in a county that imposes a fire fee:

(A) The fees established under this subsection (b) shall not be set in excess of the rates imposed by the county at the time the city adopts the ordinance pursuant to subdivision (b)(1); and

(B) The county shall not collect the fire fee from residents after the date the city adopts the ordinance pursuant to subdivision (b)(1).

On motion, Local Government Committee Amendment No. 1 was adopted.

Rep. Lollar moved that **House Bill No. 488**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes..... 1

Representatives voting aye were: Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 87

Representatives voting no were: Sparks -- 1

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGE

Pursuant to **Rule No. 59**, notice was given that the following measures from the Senate would be considered on April 24, 2017:

House Bill No. 671: by Rep. Carr

House Bill No. 567: by Rep. Marsh

House Bill No. 615: by Rep. Coley

House Bill No. 589: by Rep. Akbari

House Bill No. 1199: by Rep. Rudd

House Bill No. 534: by Rep. Casada

RULES SUSPENDED

Rep. Hawk moved that the rules be suspended in order to allow **House Bill No. 1196** to be heard in the Education Administration and Planning Committee next week, which motion prevailed.

RULES SUSPENDED

Rep. Hawk moved that the rules be suspended in order to allow all bills that were calendared but not transmitted by the 6 p.m. deadline to be heard in committees next week, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 37 Reps. J. Sexton and Goins as prime sponsors.

House Bill No. 20 Rep. K. Brooks as prime sponsor.

House Bill No. 155 Rep. Beck as prime sponsor.

House Bill No. 268 Reps. Dunn, Forgety, Faison, D. White, Sanderson, Camper, Hicks, Marsh, Keisling, Moody, Smith, Holt, Jernigan, Mitchell, Thompson and Halford as prime sponsors.

House Bill No. 441 Rep. Turner as prime sponsor.

House Bill No. 452 Rep. Lamberth as prime sponsor.

House Bill No. 457 Rep. Turner as prime sponsor.

House Bill No. 508 Rep. Weaver as prime sponsor.

House Bill No. 593 Rep. Hardaway as prime sponsor.

House Bill No. 948 Rep. Eldridge as prime sponsor.

House Bill No. 968 Rep. Hazlewood as prime sponsor.

House Bill No. 1402 Reps. Kane, Howell, Whitson, M. White, Sparks and Curcio as prime sponsors.

MESSAGE FROM THE SENATE **April 20, 2017**

**THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL
VERSION**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 314; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
April 20, 2017**

The Speaker announced that she had signed the following: Senate Joint Resolution No. 314.

TAMMY LETZLER, Chief Clerk

**MESSAGE FROM THE SENATE
April 20, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bills Nos. 18, 58, 376, 396, 646, 906 and 922; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS
April 20, 2017**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 102, 103 and 104; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
April 20, 2017**

The Speaker announced that she had signed the following: House Resolutions Nos. 102, 103 and 104.

GREG GLASS, Chief Engrossing Clerk

**REPORT OF CHIEF ENGROSSING CLERK
April 20, 2017**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 18, 58, 376, 396, 646, 906 and 922; also House Joint Resolutions Nos. 252, 253, 254, 255, 256, 257, 258, 259, 260, 261 and 262; for his action.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
April 20, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 39; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 20, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 344; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 20, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 404; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 20, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bill No. 768; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 20, 2017**

MADAM SPEAKER: I am directed to return to the House, House Bills Nos. 315, 434, 528, 584, 762, 781, 782, 903, 1384, 1416, 1423, 1425 and 1429; substituted for Senate Bills on same subjects and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 20, 2017**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286 and 287; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE GOVERNOR

1281

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

April 20, 2017

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 252, 253, 254, 255, 256, 257, 258, 259, 260, 261 and 262; with his approval.

DWIGHT E. TARWATER, Legal Counsel to the Governor

ENGROSSED BILLS

April 20, 2017

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 3, 99, 106, 141, 267, 275, 310, 488, 791, 902, 993, 1021 and 1271; also House Joint Resolutions Nos. 31, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359 and 360.

GREG GLASS, Chief Engrossing Clerk

ENROLLED BILLS

April 20, 2017

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 44, 649, 672, 686, 689, 844 and 931; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

ENROLLED BILLS

April 20, 2017

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 342; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

SIGNED

April 20, 2017

The Speaker announced that she had signed the following: House Joint Resolution No. 342.

GREG GLASS, Chief Engrossing Clerk

MESSAGE FROM THE SENATE

April 20, 2017

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution No. 342; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK
April 20, 2017**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No. 342; for his action.

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS
April 20, 2017**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 315, 434, 528, 762, 781, 782, 903, 1384, 1416, 1423, 1425 and 1429; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS
April 20, 2017**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286 and 287; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
April 20, 2017**

The Speaker announced that she had signed the following: House Joint Resolutions Nos. 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286 and 287.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
April 20, 2017**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 196, 315, 454, 644, 703, 729, 786, 1039 and 1100; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Bill No. 196** -- Juvenile Offenders - As introduced, establishes a progressive truancy intervention program in K-12 schools that involves tiers of prejuvenile court programs designed to keep a truant child out of the juvenile court system. - Amends TCA Title 49, Chapter 6, Part 30. by *Overbey. (HB483 by *Forgety, *Sparks)

THURSDAY, APRIL 20, 2017 -- TWENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Senate Bill No. 315 -- Comptroller, State - As introduced, requires a local government receiving annual audit findings to submit its annual budget and a corrective action plan to the comptroller; grants the comptroller discretion to approve the local government budget; authorizes sales tax revenue to be withheld from a noncomplying local government; grants the comptroller discretion to waive certain requirements. - Amends TCA Title 9, Chapter 3, Part 4. by *Gresham. (*HB136 by *White M)

Senate Bill No. 454 -- Licenses - As introduced, provides for reimbursement to the wildlife resources agency for lost revenue resulting from the issuance of free or partially discounted combination hunting and fishing licenses to persons on or after January 1, 2017. - Amends TCA Title 4, Chapter 3 and Title 70. by *Bell. (*HB468 by *Reedy)

***Senate Bill No. 644** -- Forfeiture of Assets - As introduced, expands the reporting requirements for the annual civil asset forfeiture report provided by the department of safety to certain committees of the general assembly. - Amends TCA Title 40, Chapter 33, Part 2. by *Lundberg. (HB813 by *Hulsey, *Faison, *Daniel)

Senate Bill No. 703 -- Alcoholic Beverage Commission - As introduced, requires that the annual report filed by the executive director of the commission with the general assembly regarding rules promulgated by the commission be filed electronically. - Amends TCA Title 57. by *Yager. (*HB684 by *Littleton, *Ramsey)

***Senate Bill No. 729** -- Education - As introduced, creates liability protections for educational entities and employees. - Amends TCA Title 8; Title 16; Title 28; Title 29; Title 37; Title 38; Title 39; Title 40 and Title 49. by *Gresham, *Ketrone. (HB1196 by *Rudd)

***Senate Bill No. 786** -- Taxes, Ad Valorem - As introduced, requires the state board of equalization to include a statement of the reason for its initial determination denying a property tax exemption for property of any religious, charitable, scientific, or nonprofit educational institution. - Amends TCA Section 67-5-212. by *Dickerson. (HB1369 by *Sargent)

Senate Bill No. 1039 -- Law Enforcement - As introduced, increases, from \$25,000 to \$100,000, the death benefit for a law enforcement officer who is killed in the line of duty; requires the TBI's investigative report to be disclosed to the public after the district attorney general has completed its prosecutorial function. - Amends TCA Title 7, Chapter 51, Part 2; Title 8, Chapter 6; Title 8, Chapter 7 and Title 38. by *Harris, *Kelsey. (*HB277 by *Hardaway, *Love, *Miller, *Shaw)

Senate Bill No. 1100 -- Bail, Bail Bonds - As introduced, releases bail bondsman from the obligations of a bail or surety bond if the bond has been in effect for three years, if the defendant has not been arrested or indicted during that period and if the court, for good cause shown, has not extended the three-year period. - Amends TCA Title 40, Chapter 11. by *Kyle, *Bowling. (*HB189 by *DeBerry)

**ENROLLED BILLS
April 20, 2017**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 584; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 84

Representatives present were Akbari, Alexander, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dunn, Eldridge, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Swann, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madam Speaker Harwell -- 84

RECESS

On motion of Rep. Hawk, the House stood in recess until 5:00 p.m., Monday, April 24, 2017.